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Jeffrey D. Mullen

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EXAMINER

RAMAKRISHNAIAH, MELUR

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,801	Applicant(s) MULLEN, JEFFREY D.	
	Examiner MELUR RAMAKRISHNAIAH	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-24 and 28-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-24 and 28-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The indicated allowability of claim 38-39 is withdrawn in view of the newly discovered reference(s) to Miyashita (US PAT: 6,226,536). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-9, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US PAT: 6,263,218) in view of Toyoshima (JP2001-352378).

Regarding claim 1, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attaches to the cellular telephone (21, fig. 1) that provides communication signals indicative of an incoming call, wherein the sensing device (24, figs. 1, 12A/12B) is an autonomous device (col. 4 lines 16-24), and a remote communication device (26/27, figs. 1, 10) configured to receive the communication signals, wherein the communication device is configured to provide notification signals to a user dependent upon received communication signals (col. 3, line 66 – col. 4, line 65).

Kita differs from claim 1 in that he does not specifically teach: sensing device that senses a signal, operable to directly perceived by a user from the cellular phone.

However, Toyoshima discloses notification system for arrival of incoming call to mobile telephone which teaches: sensing device (reads on 1, Drawing 1) that senses a signal (Light emitting section T1, Drawing 1), operable to directly perceived by a user from the cellular phone (abstract; paragraphs: 0007 – 0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device that senses a signal, operable to directly perceived by a user from the cellular phone as this arrangement would provide means for sensing the incoming call alert signals and further facilitate remote notification of incoming call as taught by Toyoshima.

Regarding claims 2-5, 8-9, 41, Kita further teaches the following: remote communication device (27, figs. 1, 10) includes an amplifier (122, fig. 10) and a speaker (133, fig. 10), wherein the notification signals are audible notifications, remote communication device includes a vibrating device (131, fig. 10) and a source of electrical energy (see Vcc on fig. 10), wherein notification signal are vibrational notifications (col. 10 lines 12-60), remote communication device includes a light emitting device (225, fig. 24) and a source of electrical energy (not shown), wherein notification signals are light-emitted notifications (col. 20, line 65 – col. 21, line 8), remote communication device includes a display device (142, fig. 10) and source of electrical energy, wherein the notification signals are text notifications (col. 27 lines 26-34), sensing device (24, figs. 1, 12A/12B) is an autonomous device, sensing device (24, fig. 1) and remote communication device (26/27, fig. 1) wirelessly communicate as shown in fig. 1, wireless communication is a one way communication from the sensing device

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(24, fig. 1) to the remote communication device (26/27, fig. 1), the signal as a vibration signal (col. 4 lines 33-35), the signal is light based signal (col. 20, line 3 - col. 21, line 4).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima as applied to claim 1 above, and further in view of Higuchi et al. (US PAT: 6,697,647, filed 2-22-2001, hereinafter Higuchi).

The combination differs from claim 10 in that it does not specifically teach: wireless communication is a two-way communication between the sensing device and the remote communication device.

However, Higuchi discloses cellular mobile telephone apparatus and alarm device therefor which teaches: wireless communication is a two-way communication between the sensing device and the remote communication device (fig. 7, col. 10 lines 16-41).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: wireless communication is a two-way communication between the sensing device and the remote communication device as this arrangement would facilitate the user to send a message to the caller that he cannot presently take the call because of his circumstances as taught by Higuchi.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima as applied to claim 1 above, and further in view of Togawa (JP2001086202A).

The combination differs from claims 11-13 in that it does not specifically teach: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device.

However, Togawa discloses ear microphone assembly which teaches: sensing device (6, fig. 1) and the remote communication device (3, fig. 1) communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device (see abstract; paragraphs: 0013-0015 and Drawing 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device as this arrangement would provide wire-based communication between the portable telephone and remote communication device as taught by Togawa, thus providing another way of interfacing the devices.

6. Claims 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima as applied to claim 1 above, and further in view of Perry et al. (US PAT: 6,160,489).

The combination differs from 15 in that although it discloses autonomous sensing device (24, fig. 1, col. 4 lines 15-24 of '218), it does not specifically teach vibrational sensor for alerting.

However, Perry discloses wireless communication device adapted to plurality of distinctive tactile alert patterns which teaches the following: vibrational sensor for alerting (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: vibrational sensor for alerting as this arrangement would provide another well known method for alerting user for incoming calls as taught by Perry.

The combination differs from claims 16-18 in that sensing device includes a vibrational sensor, communication signals are provided based on the vibrational sensor sensing vibrations of the cellular phone: notification signal are light based, notification signals are audible, and notification signals are tactile.

However, Perry teaches sensing device includes a vibrational sensor, and notification signals are: light based, audible, tactile (col. 4, line 62-col. 5, line 21), but the combination of Kita and Perry does not teach: converting one form of alert into another form for sending into notification device.

However, Toyoshima teaches the following: converting one form of alert (for example light-based) into another form of alert (vibration) for sending into notification device (Drawings 1-5; paragraphs: 0007 -0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device includes a vibrational sensor, communication signals are provided based on the vibrational sensor sensing vibrations of the cellular phone: notification signal are light based, notification signals are audible, and notification signals are tactile in order to meet needs of the user circumstances as taught by the combination of Perry and Toyoshima.

The combination differs from claims 19-21 in that he does not specifically teach: sensing device includes a vibrational sensor, the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations.

However, Perry teaches the following: sensing device includes a vibrational sensor, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations (col. 5, line 61 – col. 6, line 32). But neither Kita nor Perry teach the following: the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone.

However, Toyoshima teaches the following: converting one form of alert (for example light-based) into another form of alert (vibration) for sending into notification device (Drawings 1-5; paragraphs: 0007 -0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device includes a vibrational sensor, the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations in order to meet needs of the user circumstances as taught by the combination of Perry and Toyoshima.

Kita differs from claims 22-23, in that he does not specifically teach: sensing device includes a light sensor; sensing device includes a light sensor and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone.

However, Toyoshima teaches the following: sensing device includes a light sensor; sensing device includes a light sensor (T1, Drawing 1) and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone (paragraphs: 0007-0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device includes a light sensor; sensing device includes a light sensor and the communication

signals are provided based on the light sensor sensing the light emitted from the cellular phone in order to meet needs of the user circumstances as taught by Toyoshima.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima as applied to claim 1 above, and further in view of Oota (US 2003/0176205A1, filed 3-18-2002).

Kita differs from claim 24 in that it does not specifically teach: autonomous sensing device includes a light sensor, the communication signals are provided based on the light sensor sensing the light from the cellular phone, and the light sensor is operable to determine different types of lights emitted from the cellular phone.

However, Toyoshima teaches light sensor operable to determine types of light emitted from the cellular telephone (Drawing 3, paragraph: 0008-0011 of Toyoshima); Oota discloses Mobile communication terminal which teaches the following: different types of light emissions from the cellular telephone (paragraph: 0040).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: autonomous sensing device includes a light sensor, the communication signals are provided based on the light sensor sensing the light from the cellular phone as this arrangement would provide light based sensing of call signals; different types of light emissions from the cellular telephone as this arrangement would facilitate to identify different kinds of alerts as taught by Oota.

8. Claims 14, 28-30, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima in view of Yamashita (US PAT: 5,752,203).

Regarding claim 14, Toyoshima discloses a system for use with a cellular phone (T, Drawing 1) that provides notification of an incoming call, the system comprising: a sensing device (reads on 1, Drawing 1) that is operable to be attached to the cellular phone (T, Drawing 1) that provides communication signals indicative of an incoming call, wherein the sensing device is an autonomous sensing device (reads on 1, Drawing 1) is an autonomous sensing device that senses a signal, operable to be directly perceived by a user (reads on light emitting section T1, Drawing 1) from the device, and a remote communication device (reads on 2, Drawings 4-5) configured to receive the communication signals, wherein the communication device is configured to provide notification signal and notification signal are dependent upon the received communication signals (abstract; paragraphs: 0007 – 0016).

Regarding claim 31, Toyoshima discloses a system comprising: an autonomous sensing device (reads on 1, Drawing 1) for sensing a signal, operable to be directly perceived by a user (reads on light emitting section T1, Drawing 1), from a telephone device (T, Drawing 1), wherein the autonomous sensing device provides a communication signal indicative of the signal, a remote communication device (reads on 2, Drawings 4-5) for receiving the communication signal from the autonomous device, wherein the remote communication device is operable to provide a notification dependent on the communication signal (abstract; paragraphs: 0007 – 0016).

Toyoshima differs from claims 14 and 31 in that he discloses providing notification signal such as vibrator (abstract), he does not specifically disclose: light based notification signal.

However, Yamashita discloses portable radio apparatus having cable-incorporated hand strap which teaches: informer 7 (figs. 2-4) which informs the user of an incoming call by light (col. 2 lines 59-61).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Toyoshima 's system to provide for the following: light based notification signal as this arrangement would provide one type of notification signal, among many possible notification signals, as taught by Yamashita.

Regarding claims 28-30, 34, Toyoshima further teaches the following: sensing device (reads on 1, Drawing 1) includes a battery (not shown), communication device (reads on 2, Drawings 4-5) includes a battery (not shown), wherein the communication device includes a first battery (not shown) and the sensing device includes a second battery (not shown; abstract; paragraphs: 0007 – 0016).

Toyoshima differs from claims 32-33 in that he does not specifically disclose: the remote communication device receives the communication signal via wire, notification signal is provided by an LED.

However, Yamashita teaches the following: the remote communication device receives the communication signal via wire (6, fig. 2 col. 2 lines 47-57), notification signal is provided by an LED (col. 2 lines 64-67).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Toyoshima 's system to provide for the following: the remote communication device receives the communication signal via wire, notification signal is provided by an LED as this arrangement would provide well known practices

for providing incoming call notification signal to users of the communication device as taught by Yamashita.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 35-38 are rejected under 35 U.S.C 102(b) as being anticipated by Miyashita (US PAT: 6,326,536).

Regarding claim 34, Miyashita discloses a method comprising: physically sensing, by a first device (2, fig. 4) that a portable electronic device is vibrating (see vibration detector 7, figs. 4, 7), communicating, from the first device, a first communication signal indicative of the sensed vibrating, receiving, at a second device (10, fig. 4), the first communication signal, and providing a notification to a user indicative of the first communication signal (col. 4 lines 21-33; col. 5 lines 26-57).

Regarding claims 36-38, Miyashita further teaches the following: the device comprises a wireless phone (1, fig. 4), the notification is light-based (col. 8 lines 55-60), the notification is sound based (col. 4 lines 21-33).

11. Claims 39-40, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita in view of Yamashita.

Miyashita differs from claims 39-40, 42 in that he does not specifically disclose: notification is vibration based, signal is a vibration signal, first communication signal is

communicated from the first device and first communication signal is communicated from the first device to the second device via a wire.

However, Yamashita teaches the following: notification is vibration based, signal is a vibration signal (col. 2 lines 57-61), first communication signal is communicated from the first device (1, fig. 2) and first communication signal is communicated from the first device to the second device (7, fig. 2) via a wire (6, fig. 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Miyashita 's system to provide for the following: notification is vibration based, signal is a vibration signal as this arrangement would provide well known practices for providing incoming call notification signal to users of the communication device as taught by Yamashita, first communication signal is communicated from the first device and first communication signal is communicated from the first device to the second device via a wire as this arrangement would provide another well known means of communication between the devices as taught by Yamashita.

12. Claims 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita in view of Toyoshima.

Miyashita differs from claims 43-44 in that he does not specifically disclose: first communication signal is communicated from the first device to the second device and the first communication signal is communicated from the first device to the second device wirelessly, the second device includes a battery.

However, Toyoshima discloses the following: first communication signal is communicated from the first device (T, Drawing 1) to the second device (2, Drawings: 4-5) and the first communication signal is communicated from the first device to the second device wirelessly, the second device includes a battery (not shown; abstract; paragraphs: 0007 – 0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Miyashita 's system to provide for the following: first communication signal is communicated from the first device to the second device and the first communication signal is communicated from the first device to the second device wirelessly, the second device includes a battery as this arrangement would provide well known practices for communicating between devices with necessary paraphernalia as taught by Toyoshima.

Response to Arguments

13. Applicant's arguments with respect to claims 1-4, 8-24, 26-41 have been considered but are moot in view of the new ground(s) of rejection.

Further Applicant's proposed amendments submitted via email dated 4-29-11 is reviewed and It would be premature at present to go further with this in view of the new rejection set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELUR RAMAKRISHNAIAH whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614

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